

28060. Brewer's rice. (F.D.C. No. 45809. S. No. 40-420 R.)

QUANTITY: 109,900 lbs., at St. Louis, Mo.

SHIPPED: 4-29-61, from Estherwood, La., by Broussard Rice Mill.

LIBELED: 5-22-61, E. Dist. Mo.

CHARGE: 402(a) (3)—contained rodent excreta pellets, rodent hairs, insects, and insect fragments; and 402(a) (4)—prepared under insanitary conditions.

DISPOSITION: 6-1-61. Consent—claimed by Broussard Rice Mill, and converted into animal feed.

28061. Bruwheat. (F.D.C. No. 45255. S. No. 8-737 R.)

INFORMATION FILED: 3-5-62, N. Dist. N.Y., against Hedrick Brewing Co., Inc., Albany, N.Y., and Joseph J. Munniger, brewmaster.

ALLEGED VIOLATION: Between 5-25-60 and 9-22-60, while held for sale after shipment in interstate commerce, the defendants caused the article to be held in a building accessible to insects and rodents, and to be exposed to contamination by insects and rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a) (3)—contained insects; and 402(a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-5-62. Each defendant fined \$125.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CHOCOLATE PRODUCT

28062. Chocolate coating. (F.D.C. No. 45394. S. Nos. 55-084 R, 55-086 R.)

QUANTITY: 40 50-lb. bags, each containing 5 slabs, at St. Louis, Mo., in possession of Purity Candy Co.

SHIPPED: 1-6-60, from Chicago, Ill.

LIBELED: 1-18-61, E. Dist. Mo.

CHARGE: 402(a) (3)—contained insects, insect parts, insect webbing, rodent hairs, and rodent excreta; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: On 2-17-61, Purity Candy Co. filed an answer claiming the article and denying that it was adulterated. Written interrogatories were both filed and answered by the claimant and by the government.

On 11-28-61, a consent decree of condemnation was entered under the terms of which the unfit portion of the article was segregated; approximately 400 lbs. were destroyed.

CONFECTIONERY

28063. Sweet chocolate candy. (F.D.C. No. 47186. S. No. 41-371 T.)

QUANTITY: 56 cases, 6 ctns. each, containing 20 candy bars each, at Brooklyn, N.Y.

SHIPPED: 1-4-62 and 1-12-62, from Hato Rey, P.R., by Sucrs. Pedro Cortes, Inc.

LABEL IN PART: (Case) "Goya Food N.Y. Chocolate Cortes Manufactured by Sucrs. Pedro Cortes, Inc. Hato Rey, Puerto Rico Distributed by Unanue and Sons, Inc., * * * Brooklyn, N.Y. Product of Puerto Rico Net Weight 60 Lbs."; (ctn.) "Chocolate Cortes * * * Contenido 20 barras" and (candy

bar) "Net Weight Half Pound Sweet Chocolate Cortes Manufactured for: Sucrs. Pedro Cortes, Inc. San Juan, Puerto Rico."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-9-62, E. Dist. N.Y.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-22-62. Consent—claimed by Goya Foods, Inc., and released under bond for relabeling.

28064. Fruit Nibble Stix (candy). (F.D.C. No. 46099. S. No. 80-661 R.)

QUANTITY: 25 cases, each containing 12 boxes containing an inner plastic container of individually wrapped pieces of candy of various flavors, at Boston, Mass.

SHIPPED: 4-4-61 and 5-27-61, from Chicago, Ill., by Flavour Candy Co.

LABEL IN PART: (Lid of plastic container) "Flavour Fruit Nibble Stix Creme Filled Ingredients: * * * Net Wt. 1 Lb. Flavour Candy Co., Chicago 12, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-24-61, Dist. Mass.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 10-2-61. Default—delivered to a charitable institution.

28065. Roxbury brand candies. (F.D.C. No. 47559. S. Nos. 53-395/97 T.)

QUANTITY: 61 cases, 24 bags each, of peanut clusters; and 29 cases, 24 bags each, of toffee, at Bellevue, Wash.

SHIPPED: 1-12-62 and 3-16-62, from San Jose, Calif., by Safeway Stores, Inc.

LABEL IN PART: (Bag) "Roxbury Peanut Clusters Net Wt. 14 Oz. [or "Roxbury Imported Toffee" Net Wt. 9 Oz.] Ingredients: * * * Distributed By Safeway Stores, Incorporated Head Office—Oakland, California."

RESULTS OF INVESTIGATION: Examination showed that the peanut clusters were chocolate-covered peanuts, that the toffee consisted of individually wrapped pieces of candy in highly colored, metallic-type paper of various colors, each piece labeled as to name of product, and that both articles were contained in clear plastic bags on which the information required to appear on the label was inconspicuous against the wrapped or unwrapped candy in the background.

LIBELED: On or about 4-26-62, W. Dist. Wash.; amended libel 5-3-62.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1), (e) (2), (i) (2), and (k) to appear on the label, namely, the name and address of the manufacturer, packer, or distributor, an accurate statement of the quantity of contents, the common or usual name of each ingredient, and the declaration of artificial flavors and (toffee) colors, was not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-29-62. Consent—claimed by Safeway Stores, Inc., and released under bond for relabeling.